IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.186 OF 2006

In

SUIT NO.3221 OF 2005

M.V.Ramapriyan : Plaintiff

V/s.

L & T Finance Ltd. : Defendant

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Mr.V.N.Bilimoria i/b. Intralegal for the plaintiff.

Ms Shakuntala Joshi for the defendant.

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CORAM : S.A.BOBDE, J.

DATE : JANUARY 15, 2007.

P.C.

1. This Notice of Motion is taken out by the plaintiff for various reliefs such as a direction to the defendant-company to deposit in Court an amount of Rs.2,70,000/- as security and upon failure, to attach the properties of the company. Certain other reliefs such as disclosure of the properties of the Directors are also sought. This Motion is taken out in the suit in which the plaintiff has claimed a decree for Rs.2,70,000/- as damages to reputation and unpaid salary arising out of an alleged wrongful dismissal of his services by the

defendant. The plaintiff was working with the defendant, a non-banking financial company, as a Marketing Executive when he was dismissed. The defendant has pointed out in their affidavit-in-reply to the Notice of Motion that the plaintiff credited the amount received from one of his customers in the account of another customer and wrongly released the vehicles in his favour. This obviously resulted in a serious financial irregularity. Accordingly, the defendant conducted an inquiry into the conduct of the plaintiff and removed him from service. The plaintiff has filed this suit as a result. Having considered the rival submissions, it seems that there is no justification whatsoever for granting the plaintiff any order in this Notice of motion. It is doubtful if the relief sought for by the plaintiff can be given at all. In any case, the facts of this case do not warrant the grant of such relief.

2. In the circumstances, there is no merit in the Notice of Motion which is hereby dismissed.

S.A. BOBDE, J.